

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fluorspar and Underground Limestone Mines
5 Act is amended by changing Section 1 as follows:

6 (225 ILCS 710/1) (from Ch. 96 1/2, par. 4201)

7 Sec. 1. Application of Act; short title; definitions.

8 (a) This Act shall apply to all mines in the State of
9 Illinois producing minerals within the meaning of that term, as
10 hereinafter defined.

11 (b) This Act may be cited as the Fluorspar ~~and Underground~~
12 ~~Limestone~~ Mines Act.

13 (c) For the purpose of this Act the singular numbers when
14 in reference to persons, acts, objects and things of whatsoever
15 kind and description shall, whenever the context will permit,
16 be taken and held to import and include the plural number and
17 the plural number shall similarly be taken and held to import
18 and include the singular, and terms that impart the masculine
19 gender shall be taken to impart and include the feminine gender
20 as well.

21 (d) The term "mine," when used in the Act, shall include
22 prospects, openings and open-cuts and workings, and shall
23 embrace any and all parts of the property of such "mine" and

1 mining plant on the surface or underground, that contribute
2 directly or indirectly to the mining and handling of minerals.

3 Provided, that when a group of workings in proximity to one
4 another and under one management are administered as distinct
5 units each working shall be considered a separate mine.

6 (e) The term "mineral" when used in this Act shall mean
7 whatever is recognized by the standard authorities as mineral,
8 whether metalliferous or non-metalliferous, but shall not be
9 held to embrace or include silica, granite, marble, salt, sand,
10 gravel, clay, rock, coal, lignite, gas, oil or any substance
11 extracted in solution or in the molten state through bore
12 holes.

13 (f) The term "operator" when used in this Act shall mean
14 the person, firm, or body corporate, in immediate possession of
15 any mine and its accessories as owner or lessee thereof, and as
16 such responsible for the condition and management thereof.

17 (g) The term "superintendent" when used in this Act shall
18 mean the person having the immediate supervision of the mine.

19 (h) The term "mine foreman" when used in this Act shall
20 mean the person who at any one time is charged with the general
21 direction of the underground work.

22 (i) The term "inspector" when used in this Act shall
23 signify the official State Inspector.

24 (j) The words "excavation" and "workings" when used in this
25 Act shall signify any and all parts of a mine excavated or
26 being excavated, including shafts, raises, tunnels, adits,

1 open-cuts, and all working places, whether abandoned or in use.

2 (k) Whenever the expression "number of men" or "average
3 number of men" employed in a mine are used in this Act as
4 defining or constituting classes of mines to which this Act or
5 any specific section, clauses, provision or rule thereof, does
6 or does not apply, such expressions shall be construed to mean
7 the average number of individuals employed during the previous
8 year as shown by the returns to the mine inspector or by the
9 books or pay roll of the mine, or by all of such means and such
10 average number shall be determined by dividing the total number
11 of man shifts by the number of days the mine worked during such
12 period.

13 (l) The term "explosive" or "explosives" as used in this
14 Act shall be held to mean and to include any chemical or any
15 mechanical mixture that contains any oxidizing and combustible
16 units or other ingredients in such proportions, quantities, or
17 packing that an ignition by fire, by friction, by concussion,
18 by percussion or by detonation of any part of the compound or
19 mixture may cause such a sudden generation of highly heated
20 gases that the resultant gaseous pressures are capable of
21 producing destructive effect on contiguous objects or of
22 destroying life or limb.

23 (m) The term "person" when used in this Act shall be held
24 to mean and include a firm or body corporate as well as natural
25 persons.

26 (n) The term "underground" as used in this Act shall be

1 held to mean "within the limits of" any mine working or
2 excavation and shall not exclude such workings or excavations
3 as may not be covered over by rock or earth.

4 (o) The term "employees" and "men employed" shall be held
5 to mean all individuals receiving compensation from the
6 operator, directly or indirectly, for labor or services
7 performed in connection with the mine and shall include
8 contractors, lessors, lessees, tributers, or any one similarly
9 employed.

10 (Source: P.A. 88-185.)

11 Section 10. The Surface-Mined Land Conservation and
12 Reclamation Act is amended by changing Section 8 as follows:

13 (225 ILCS 715/8) (from Ch. 96 1/2, par. 4509)

14 Sec. 8. Bond of operator; amount; sufficiency of surety;
15 violations; compliance. Any bond herein provided to be filed
16 with the Department by the operator shall be in such form as
17 the Director prescribes, payable to the People of the State of
18 Illinois, conditioned that the operator shall faithfully
19 perform all requirements of this Act and comply with all rules
20 of the Department made in accordance with the provisions of
21 this Act. Such bond shall be signed by the operator as
22 principal, and by a good and sufficient corporate surety,
23 licensed to do business in Illinois, as surety. The penalty of
24 such bond shall be an amount between \$600 and \$10,000 ~~\$5,000~~

1 per acre as determined by the Director for lands to be affected
2 by surface mining, including slurry and gob disposal areas.
3 Under circumstances where a written agreement between the
4 operator and a third party require overburden to be removed,
5 replaced, graded, and seeded in a manner that the necessary
6 bond penalty exceeds \$10,000 per acre, the Department shall
7 require a bond amount sufficient to ensure the completion of
8 the reclamation plan specified in the approved permit in the
9 event of forfeiture. In no case shall the bond for the entire
10 area under one permit be less than \$600 per acre or \$3,000,
11 whichever is greater. Areas used for the disposal of slurry and
12 gob shall continue under bond so long as they are in active
13 use. In lieu of such bonds, the operator may deposit any
14 combination of cash, certificates of deposits, government
15 securities, or irrevocable letters of credit with the
16 Department in an amount equal to that of the required surety
17 bond on conditions as prescribed in this Section. The penalty
18 of the bond or amount of other security shall be increased or
19 reduced from time to time as provided in this Act. Such bond or
20 security shall remain in effect until the affected lands have
21 been reclaimed, approved and released by the Department except
22 that when the Department determines that grading and covering
23 with materials capable of supporting vegetation in accordance
24 with the plan has been satisfactorily completed, the Department
25 shall release the bond or security except the amount of \$100
26 per acre which shall be retained by the Department until the

1 reclamation according to Section 6 of this Act has been
2 completed. Where an anticipated water impoundment has been
3 approved by the Department in the reclamation plan, and the
4 Department determines the impoundment will be satisfactorily
5 completed upon completion of the operation, the bond covering
6 such anticipated water impoundment area shall be released.

7 A bond filed as above prescribed shall not be cancelled by
8 the surety except after not less than 90 days' notice to the
9 Department.

10 If the license to do business in Illinois of any surety
11 upon a bond filed with the Department pursuant to this Act
12 shall be suspended or revoked, the operator, within 30 days
13 after receiving notice thereof from the Department, shall
14 substitute for such surety a good and sufficient corporate
15 surety licensed to do business in Illinois. Upon failure of the
16 operator to make substitution of surety as herein provided, the
17 Department shall have the right to suspend the permit of the
18 operator until such substitution has been made.

19 The Department shall give written notice to the operator of
20 any violation of this Act or non-compliance with any of the
21 rules and regulations promulgated by the Department hereunder
22 and if corrective measures, approved by the Department, are not
23 commenced within 45 days, the Department may proceed as
24 provided in Section 11 of this Act to request forfeiture of the
25 bond or security. The forfeiture shall be the amount of bond or
26 security in effect at the time of default for each acre or

1 portion thereof with respect to which the operator has
2 defaulted. Such forfeiture shall fully satisfy all obligations
3 of the operator to reclaim the affected land under the
4 provisions of this Act.

5 The Department shall have the power to reclaim, in keeping
6 with the provisions of this Act, any affected land with respect
7 to which a bond has been forfeited.

8 Whenever an operator shall have completed all requirements
9 under the provisions of this Act as to any affected land, he
10 shall notify the Department thereof. If the Department
11 determines that the operator has completed reclamation
12 requirements and refuse disposal requirements and has achieved
13 results appropriate to the use for which the area was
14 reclaimed, the Department shall release the operator from
15 further obligations regarding such affected land and the
16 penalty of the bond shall be reduced proportionately.

17 Bonding aggregate mining operations under permit by the
18 State is an exclusive power and function of the State. A home
19 rule unit may not require bonding of aggregate mining
20 operations under permit by the State. This provision is a
21 denial and limitation of home rule powers and functions under
22 subsection (h) of Section 6 of Article VII of the Illinois
23 Constitution of 1970.

24 (Source: P.A. 91-938, eff. 1-11-01.)